Court No. 1

Civil Writ Petition No. 4417 (S/S) of 2001

Nityanand Singh & 16 Ors. ……. Petitioners.

Versus

State of Uttaranchal through
Secretary (Home) and 3 Ors. …….. Respondents.

Hon'ble P.C. Verma, J.

Heard learned counsel for the petitioners.

Petitioners are Volunteer Home Guards. They are not Home Guards framed under rules of Home Guards Act. They are enrolled for three years to render their services whenever required. The District Commandant, Home Guards has passed the impugned order dated 01.09.2001 that the Home Guards named in the impugned order, contained in Annexure No. 1 to the writ petition, shall not be assigned any duty and shall not be called for Parade.

Since the petitioners are not the Home Guards appointed under the Rules, therefore, they cannot legitimately challenged this order because they are volunteer Home Guards and it is mere discretion of the District Commandant, Home Guards to assign the work to them and in his assessment he found that these persons should not be assigned duties.

The petitioners have no right to claim that they should be given work as they are not regularly appointed Home Guards under the Rules, therefore, the writ petition is devoid of merits and is liable to be dismissed.

The petition is dismissed.

19.9.2001 **Sd/-**
P.Singh